

### **AMENDMENTS TO THE CLAIMS:**

Please cancel claims 32-41 without prejudice to their reintroduction in a divisional application.

Please add claim 42.

The listing of claims will replace all prior versions, and listings of claims in the application:

### **LISTING OF THE CLAIMS**

1-2. (Cancelled)

3. (Previously Presented) A stent as claimed in claim 24 wherein the supporting portion of the stent is fabricated to incorporate a non-planar curved form.

4. (Cancelled)

5. (Previously Presented) A stent as claimed in claim 24 which is of generally hollow tubular shape with three-dimensional curvature.

6. (Previously Presented) A stent as claimed in claim 24 in the form of an open lattice generally tubular framework with discrete openings at each end thereof.

7-11. (Cancelled)

12. (Previously Presented) A stent as claimed in claim 24 in combination with a device which assists in monitoring the condition of the vessel.

13. (Original) A stent as claimed in claim 12 wherein the device is a sensor adapted to transmit a signal responsive to one or more internal flow conditions.

14. (Original) A stent as claimed in claim 13 in which the sensor is ring-shaped and is electrically connected to a remote module incorporating power supply, signal detection and recording means.

15. (Previously Presented) A stent as claimed in claim 13 wherein the sensor is adapted to transmit signals which can be monitored by at least one of ultrasound, magnetic resonance imaging and electron spin resonance imaging techniques.

16. (Previously Presented) A stent as claimed in claim 13 wherein the sensor portion forms an integral part of the stent and the means of excitation and signal detection are entirely extracorporeal.

17-23. (Cancelled)

24. (Previously Presented) A stent for insertion into a vessel and having a supporting part, which stent includes a supporting portion around which, part of an intact vessel other than a graft can be placed, so that the stent internally supports that vessel part and,

the supporting portion of the stent is of a shape and/or orientation which imposes a non-planar curve on the vessel whereby fluid flow within the stent supported part of the vessel follows the non-planar curve to induce swirl flow.

25. (Previously Presented) A stent according to claim 24 which is adapted to flex three dimensionally but which has sufficient torsional stiffness to induce and maintain in use the non-planar curvature.

26. (Previously Presented) A stent as claimed in claim 24 fabricated from a shape memory alloy.

27. (Previously Presented) A stent as claimed in claim 24 fabricated from a linked mesh or series of linked wire members which is coiled or partly coiled or helical or partly helical.

28. (Previously Presented) A stent as claimed in claim 5 formed from a series of rings in which the material of the stent has the form of a wave in the azimuthal direction with link members extending in the imaginary surface of the tubular stent and joining one ring to another.

29. (Previously Presented) A stent according to claim 28 in which the joints between a link member and each ring linked by the member are separated by more than the least distance between the adjacent rings.

30. (Previously Presented) A stent according to claim 28 wherein the link member has a wavy form part.

31. (Previously Presented) A stent according to claim 28 wherein the link member has a coil form part.

32-41. (Cancelled)

42. (New) A stent that is inserted into an intact vessel and has a supporting part, which stent includes a supporting portion around which part of the intact vessel other than a graft is placed, so that the stent internally supports that vessel part and, the supporting portion of the stent is of a shape and/or orientation which imposes a non-planar curve on the vessel whereby fluid flow within the stent supported part of the vessel follows a non-planar curve to induce swirl flow.

### **The Office Action**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of March 10, 2004.

In the Office Action, the election/restriction was noted, the Declaration was considered defective and a certified copy of the priority document was requested. The Examiner objected to the disclosure because of certain informalities.

Claims 3, 5, 24 and 26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 6,554,856.

Claims 3, 5, 24 and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by Caro (WO 95/09585) ("Caro") or, in the alternative, under 35 U.S.C. §103(a) as obvious over Caro alone.

Claims 6 and 26-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Caro in view U.S. Patent No. 5,697,971 to Fischell et al ("Fischell").

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Caro and Fischell and further in view of U.S. Patent No. 5,104,404 to Wolff ("Wolff").

Claims 12-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Caro and Fischell and further in view of U.S. Patent No. 6,015,387 to Schwartz et al ("Schwartz").

In this response, applicants have responded to the Office Action and present remarks believed to address the Examiner's rejections and argue that the claims are in condition for allowance.

Reexamination and reconsideration are respectfully requested.

### **REMARKS**

#### **I. Election/Restrictions**

In accordance with the Examiner's conclusions regarding claims 32-41, the applicants have withdrawn claims 32-41 from further consideration.

#### **II. Oath/Declaration**

The applicants have attached a revised declaration addressing the Examiner's objection.